



Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Charles H. Crawford  
Commissioner, Commonwealth of Massachusetts Executive Office  
of Health and Human Services, Commission for the Blind  
Chairman, Alternative Techniques Committee, National Council  
of State Agencies for the Blind  
88 Kingston Street  
Boston, Massachusetts 02111-227

Dear Chairman Crawford:

Chairman Kennard has asked that I respond to your recent letter regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

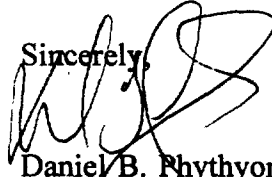
It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board

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and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. Your comments will be included as an informal comment in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Phythyon', written over the word 'Sincerely,'.

Daniel B. Phythyon  
Chief, Wireless Telecommunications Bureau



# The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Commission for the Blind

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August 12, 1998

William Kennard, Chairman  
Federal Communication Commission  
1919 M Street  
Washington, DC 20554

Dear Chairman Kennard:

I am writing as the Chair of the Alternative Techniques Committee of the National Council of State Agencies for the Blind (NCSAB) in reference to comments offered you by various telecommunications manufacturers in the matter of your proposed rules (WT Docket #96-198) implementing Section 255 of the Telecommunication Act.

The NCSAB has the primary responsibility of assisting persons who are blind to become sufficiently skilled, educated, and provided with adaptive equipment to become gainfully employed. For this reason, the ultimate implementations of Section 255 is of critical importance to the employment and employability of blind persons.

NCSAB strongly urges the Commission to:

- 1) adopt clear and comprehensive rules to avoid confusion in the responsibilities of the manufacturers. Leaving critical issues such as accessibility up to the caprice of the marketplace makes no sense;
- 2) include enhanced services as well as telecommunication services within the regulation to insure commonplace business activities such as electronic mail are accessible to and useable by blind persons;
- 3) adopt the ADA standard of readily achievable rather than the confusing, loophole-filled suggestions of the manufacturers. The so called opportunity costs and recovery costs issues when applied across the board to all manufacturers negates any negative impacts;

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William Kennard - FCC

- 4) incorporate the Architectural Access Board guidelines for accessibility in full, to avoid confusion or creation of critical gaps in industry compliance, and
- 5) insure the right of a consumer to effectively and expeditiously complain to the FCC for regulatory violations rather than leaving the matter up to differing and dubious internal industry processes.

Mr. Chairman, your decision in the above matter is not simply a relatively technical issue of little importance, but rather will have a sweeping effect on the lives and employability of persons with disabilities in general and blind persons in particular. We can make this point in no stronger terms and we ask that you support the vital needs of persons with disabilities in adopting the strongest, most forward-thinking and effective rule possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Crawford". The signature is written in a cursive, flowing style with a large initial "C".

Charles H. Crawford  
Commissioner  
Chairman, NCSAB Alternative Techniques Committee